

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO, *ex rel.*
STATE ENGINEER, *et al.*,

Plaintiffs,

V.

EDUARDO ABEYTA, *et al.*,
and CELSO ARELLANO, *et al.*,

Defendants.

)

) **69cv07896 BB**

) **Rio Pueblo de Taos**

) **Adjudication**

)

) **69cv7939 BB**

) **Rio Hondo Adjudication**

) **(Consolidated)**

)

) **Rio Pueblo de Taos Section**

) **Acequia del Norte del Canon**

) **Subfile No. 21.110**

)

**ORDER GRANTING MOTION TO AMEND SUBFILE ORDER
(SUBFILE NO. 21.110, JOSE M. BACA)**

This matter came before the Court on the December 18, 2009, Motion to Amend Subfile Order (Doc. No. 5407) filed by the State of New Mexico *ex rel.* State Engineer (“State”). The Motion requests an Order amending the September 2, 1970 Order (Order No. 214.110) entered in Subfile No. 21.110, to increase the irrigated acreage adjudicated under Subfile No. 21.110 from 9.4 acres to 10.1 acres by including an omitted 0.7 acre parcel. No responses or objections to the State’s Motion were filed. Accordingly, the Court, having considered the Motion, and being otherwise fully advised in the premises, finds that the Motion is well taken and that is should be GRANTED:

IT IS THEREFORE ORDERED,

1. The September 2, 1970, Order (Order No. 214.110) is hereby amended to increase the irrigated acreage adjudicated under Subfile No. 21.110 from 9.4 acres to 10.1 acres by including the omitted 0.7 acre parcel shown on *Exhibit 1* hereto.

2. Paragraph 5 of the September 2, 1970, Order (Order No.214.110) is amended to correctly describe all irrigated acreage within Tract 21.110, including the omitted 0.7 acre parcel, as follows:

Location:		Acreage:
New Mexico State Assessment Survey	State Engineer Hydrographic Survey	
Pt. of Tr. 1.1.31	21.110	1.4 acres
Pt. of Tr. 1.1.32	21.110	1.7 acres
Pt. of Tr. 2.19.53	21.110	<u>7.0 acres</u>
Total -		10.1 acres

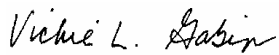
As shown on State Engineer hydrographic survey map sheet No. 21, tract 110.

3. Except as provided in this Order, all other elements of the water right remain as stated in the September 2, 1970, Order (Order No. 214.110) and subsequent orders of the Court.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:



VICKIE L. GABIN
SPECIAL MASTER